

TMDL Eligibility

Document whether the water body that may receive your storm water discharges has an EPA approved "Total Maximum Daily Load" (TMDL) waste load allocation for sediments and other construction-related pollutants, and if so, describe the techniques and controls you will use to stay within this "pollution budget."

What to do next

The SWPPP and How To Use It

- ▶ Implement it, and maintain all controls (remove sediment from traps and ponds when 50% full).
- ▶ Keep it on-site during work hours.
- ▶ Keep records in the plan of when major grading occurs, when activities are suspended or cease, and when stabilization starts.
- ▶ Begin to stabilize soils within 14 days of temporarily or permanently ceasing disturbance.
- ▶ Modify the SWPPP within 7 days of detecting a problem.

Inspecting the Site

- ▶ Inspect all areas and controls once every 7 days, OR once every 14 days and within 24 hours of a 1/2-inch storm
- ▶ OR once a month if stabilized or frozen.
- ▶ Keep inspection records: who, when, weather since last inspection, findings, corrective action taken.

Finishing Up

- ▶ Submit a Notice of Termination (NOT) within 30 days after the site has been permanently stabilized, or temporarily stabilized and transferred to a new owner.



- ▶ Permanent stabilization = restore to 70% of whatever level of cover was natural to the site.
- ▶ Note: silt fence should be removed once a site is permanently stabilized.

Best management and compliance tips

- ▶ Disturb the smallest area possible.
- ▶ Leave as much original/natural vegetation as possible.
- ▶ Stabilize disturbed areas as soon as possible.
- ▶ Sequence activities carefully to minimize rework and impacts from one portion of the site on another.
- ▶ Avoid steep or unstable slopes and areas with soils susceptible to erosion.
- ▶ Time construction activities to limit the impact from seasonal climate changes or severe weather.
- ▶ Create as little new impervious (paved) surface as possible.
- ▶ Don't mix other waste streams (such as vehicle wash water containing detergent) with storm water.
- ▶ Incorporate all applicable local and state sediment and erosion controls (storm water management) into your pollution prevention plan.



This brochure outlines the federal permit and program for construction activities. See Part 9 of the *NPDES Construction General Permit for Storm Water Discharges from Construction Activities* for additional Massachusetts and New Hampshire state permit conditions.

For construction projects in Connecticut, Maine, Rhode Island and Vermont, please contact your state environmental agency to find out how they are implementing the federal program.

Contacts & Information

EPA

Abby Swaine, EPA New England
Assistance Program
617.918.1841
swaine.abby@epa.gov

Chris Jendras, EPA New England
Assistance Program
617.918.1845
jendras.chris@epa.gov

Thelma Murphy, EPA New England
Storm Water Coordinator
617.918.1615
murphy.thelma@epa.gov

<http://cfpub1.epa.gov/npdes/stormwater/cgp.cfm>

Connecticut

Chris Stone, CT Dept. of Environmental Protection
860.424.3850
<http://dep.state.ct.us/pao/download.htm#StormwaterConstructionGP> (scroll down to General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities)

Maine

David Ladd, ME Dept. of Environmental Protection
207.287.5404
<http://www.state.me.us/dep/blwq/docstand/stormwater/construction.htm>

Rhode Island

Greg Goblick, RI Dept. of Environmental Management
401.222.4700, ext. 7265
<http://www.state.ri.us/dem/programs/benvirion/water/permits/ripdes/stwater/pdfs/consfact.pdf>

Vermont

Stephanie Lanphear, VT Dept. of Environmental Conservation
802.241.3770
<http://www.anr.state.vt.us/dec/waterq/permits.htm#cgp> (scroll down to Construction ...)

This brochure provides highlights of U.S. EPA's storm water requirements for construction activity. It is not intended to be a comprehensive list of all requirements that pertain to construction activity.

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Storm Water at Construction Sites



A Guide to the Federal Requirements

What is the problem with storm water?

When rain falls or snow melts, the water that runs off construction sites can wash sediment, chemicals and other pollutants into adjacent properties, storm drains, and nearby streams, ponds and rivers. Erosion from a one-acre construction site can discharge as much as 20 to 150 tons of sediment in one year if not properly managed. Sediments reduce the storage capacity of drains and waterways, causing flooding and stream bank scouring. Sediments and the chemicals that cling to them can also reduce fish populations, contaminate shellfish beds, close swimming beaches and foster algae and weed growth. Construction site erosion can also mean loss of valuable top soil, rework to reduce damage to slopes and structures, and complaints from neighbors and local officials.



The Permit

The U.S. Environmental Protection Agency has developed a General Permit for Storm Water Discharges from Construction Activities that outlines the steps that construction site operators must take to help prevent these problems. Permit coverage is required for storm water discharges from construction activity (including clearing, grading, and excavating) that disturbs at least 1 acre of soil.

In New England, this permit applies in Massachusetts and New Hampshire. However, CT, ME, RI, and VT have adopted the EPA program and issued their own permits with some additional requirements.

Does my construction site need permit coverage?

It does if you answer “yes” to all of the following questions.

- ▶ Will the project disturb (through clearing, grading, excavating, etc.) one or more acres of land, either by itself or as part of a larger project?

- ▶ Could storm water from the site collect and travel through a pipe, ditch, swale, road, or storm-created channel (like a gully dug in a bare slope)?
- ▶ Could storm water from the site be discharged to a “water of the U.S.” (stream, pond, river, ocean, or wetland) or to a separate storm drain system that itself discharges to a surface water?

Other Permits

This permit is a separate requirement from other federal, state or local programs or permits. For example, you may also need approval from state or local agencies (conservation commissions, soil and erosion control agencies or districts, etc.) to discharge to, or perform construction activities near a waterway, wetland, floodplain or municipal storm sewer (storm drain).

Who should apply for a permit?

Any “operator” having control over construction plans and specifications, or control over day-to-day site work, should apply for permit coverage. Operators needing permit coverage can include the property owner, developer, general contractor, construction manager, etc. Each operator (there may be more than one for a site) should submit a Notice of Intent (NOI) to be covered by the permit. Owners who have no control over the plans and specs and have no control over day-to-day site work are not operators, and therefore are not required to apply for permit coverage. Subcontractors whose activities are directed by another operator do not need to apply for permit coverage.

How do I get permit coverage?

The first thing you should do is to get a copy of the permit. The EPA permit—NPDES General Permit for Storm Water Discharges from Construction Activities—and all forms and directions are on EPA’s web site at <http://cfpub1.epa.gov/npdes/stormwater/cgp.cfm>. (Call one of the EPA contacts listed on the back panel if you do not have internet access.) Use this permit for MA and NH projects.

Here’s how to get coverage under the EPA general permit.

- ▶ Determine if your activity is covered (see “Eligibility” section of the permit).
- ▶ Develop a Storm Water Pollution Prevention Plan (SWPPP) as outlined in the permit.
- ▶ Keep the SWPPP on site. Do not submit it to EPA! Make sure it’s being followed and be prepared to show it to EPA inspectors who may visit your site.
- ▶ Submit to EPA a Notice of Intent (NOI) to be covered by the permit.
- ▶ After you submit your NOI (electronically or by regular mail) to EPA, EPA will post your NOI at <http://cfpub1.epa.gov/npdes/stormwater/noi/noisearch.cfm>
- ▶ You are authorized under the permit once your NOI is shown in “Active” status. NOIs listed as “Active” have been posted on the EPA web site for 7 days (the “Waiting” period), and are not “On Hold” due to eligibility concerns (like impact on impaired surface waters or endangered species).
- ▶ EPA will attempt to contact you regarding any problems or delays, but you must ensure you are authorized before starting work by checking the web site or calling EPA’s NOI Processing Center at 866.352.7755.
- ▶ Within 30 days after the project is done and fully stabilized, you must file a Notice of Termination (NOT).

Staying in compliance with the general permit includes: making sure that your storm water pollution prevention plan addresses all the permit requirements; maintaining the plan on site; recording when major earth disturbing and stabilization work occurs; inspecting the site; logging all self-inspection findings and results (see the permit for more information); and updating the plan as necessary.

The Storm Water Pollution Prevention Plan (SWPPP)

Here are some highlights of what to include in your SWPPP. Please read the construction general permit for the complete list of requirements.

Site Information

- ▶ Identify all operators for the project site and the portions over which each operator has control.
- ▶ Describe the project (e.g., housing, shopping mall, highway, etc.).
- ▶ Describe the sequence and timing of activities that will disturb soil at the site.

- ▶ Estimate the total area expected to be disturbed, including off-site borrow and fill areas.
- ▶ Include a general location map with enough detail to identify the location of the construction site and water bodies within one mile of the site.
- ▶ Develop a site map showing
 - storm water flow directions and slope grades
 - areas of soil disturbance
 - locations of major structural and non-structural storm water controls
 - offsite storage areas for materials, wastes, equipments and borrow/fill
 - surface waters
 - discharge locations

Controls to reduce pollutants

In this section of the plan describe

- ▶ Erosion and sediment controls and storm water management methods and devices that will be used, when and where they will go in, and who will install and maintain them.
- ▶ Temporary and permanent stabilization measures and when they will be used.
- ▶ How discharges of construction-related pollutants other than sediments—such as trash, fuels and oils from vehicles and chemicals from stored products like fertilizer—will be prevented by storing them out of the weather, preventing and cleaning up spills, etc.
- ▶ How pollution from dedicated industrial operations (concrete & asphalt plants, etc.) will be minimized.
- ▶ Measures to minimize dust and vehicle tracking of sediments off-site.

Endangered Species Eligibility

Document how you determined whether federally-listed endangered species or critical habitat could be affected by your construction activity and discharges, and if so, how you will prevent harm.

